

WHITPAIN TOWNSHIP PLANNING COMMISSION APRIL 2021

A work session of the Whitpain Township Planning Commission was held on Tuesday, April 13, 2021 at 6:30 PM as a video conference using *Zoom* video technology for the purpose of reviewing the agenda of the public meeting to be held that evening. Chair Kenneth Corti presided with Planning Commission members Vice Chair Richard Shorin, Secretary Cathy McGowan, Joe Habboush, John O'Hara, Kent Conway and Alternate members Kurt Zintner and John Miller. Township Engineer James E. Blanch, P.E., Assistant Zoning Inspector Conor McCann, Township Planning Consultant E. Van Rieker, IT Director Nicole Leininger and Recording Secretary Jennifer L. Gallagher were also present. Planning Commission members Joseph Fay and Natalie Macy were absent.

1. Approval of the minutes

There were no comments or questions on the March meeting minutes.

2. Review of a Subdivision plan for 190 Plymouth Road (S-3-21). This application involves a 2-lot subdivision of approximately 4.29 acres located at 190 Plymouth Road. The property is zoned R-5 Residential Zoning District.

Planning Consultant Mr. Rieker questioned, if the property started as three lots from the same compound, or were they adding land that was adjacent? Mr. Blanch replied they were previously proposing a subdivision to create a third lot, but they were unable to obtain zoning relief, so they revised the plans to propose a two-lot subdivision. This subdivision application does not require zoning relief. Vice Chair Shorin asked are they going to demolish the existing house and rebuild? Mr. Blanch replied, yes, they are going to remove the existing house and build a new house on the front lot and build a new house on the newly created rear lot.

Vice Chair Shorin mentioned that the aerial view shows that the back lot is all trees. How are they able to comply with the woodland canopy regulations? Mr. Blanch replied, they will have to maintain 60 percent of the canopy area over the entire parcel, not just the rear lot. According to the plan they submitted they are able to comply with the woodland canopy requirements. Vice Chair Shorin commented, the property looks like it's a sloped lot. Are there any additional concerns on the slopes and potential impact on the neighbors? Mr. Blanch commented that they show the general footprint plan for the home, the driveway location, and the Township Engineer's office is requesting that they include the stormwater management system so that we can determine if it does comply with all the regulations.

Mr. Conway questioned if they have to show the stormwater easements similar to the cross-access easements? Mr. Blanch replied, they do not have to show the cross-access easements for stormwater, but they do for access and utilities. Mr. Corti questioned are they maintaining the same access to Plymouth Road or cutting in a new driveway. Mr. Blanch stated they are utilizing the existing driveway.

Secretary McGowan questioned lot 2 has canopy easements in three different areas. Are these recorded easements? Mr. Blanch replied that they are conservation easements that get recorded with the record plan. This would preserve the woodland canopy on the plan and detail the canopy acreage that they are preserving.

3. Review current Zoning Hearing Board cases:

- a. NO. 2275-21 – JANET AND KEITH CHILDS request variances from Article V, Section 160-19 relating to Rear Yards and Article XXVII, Section 160-204.F relating to Residential Rear Yard Intrusions with respect to the residence located on their property at 934 Sunset Drive, Blue Bell, PA in the Township’s R-1 Residential District. Applicants’ requested relief, if granted, will allow Applicants to construct a 17’8” by 20’, two story addition with a 5’ x 14’ attached enclosed stairway onto the rear of their residence with a Master bedroom and walk-in closet on the second floor and a mud-room on the first floor which will project occupied space into the rear yard when the Ordinance requires rear yards to be unoccupied and will reduce the rear yard setback to 34’4” when the Ordinance requires a minimum of 37 feet.

The Planning Commission agreed that the application appears benign.

- b. NO. 2276-21 – RICHARD AND CHRISTINE FAY request variances from Article XII, Section 160-66.A.8 related to Special Regulations for Rural Cluster Subdivisions, Article XXVII, Section 160-203 related to Residential Projections into Side Yards and Article XXVII, Section 160-204.D related to Residential Rear Yard Intrusions with respect to their property located at 405 Walmere Way, Blue Bell, PA in the Township’s R-5 Agricultural-Rural Residence District. Applicant’s requested relief, if granted, will allow Applicants to construct a pool pavilion that will: (1) reduce the side yard setback to 8 feet when the Ordinance requires a minimum of 18 feet; and (2) project into the side yard when the Ordinance prohibits same; and (3) intrude into the rear yard and be less than 10 feet from the principal structure when the Ordinance prohibits same.

The Planning Commission agreed that the application appears benign.

- c. NO. 2278-21 – STEVEN AND AMY PARADIS request variances from Article XII, Section 160-38 related to Accessory Buildings or Structures, Article XXVIII, Section 160-204.D related to Residential Rear Yard Intrusions and Article XXVIII, Section 160-214.C related to Green Area Regulations with respect to their property located at 1582 Sullivan Drive, Blue Bell, PA in the Township’s R-2 Residential District. Applicant’s requested relief, if granted, will allow Applicants to construct a 22’ by 38’ by 17’ – 8 ½” high detached garage which accessory structure will: (1) be located 5’ from the rear and side lot lines in lieu of the required 17’ setback and (2) be located in the rear yard but less than 10 feet from the principal structure when the Ordinance prohibits same and (3) will result in non-green area of 5,164 square feet when the Ordinance permits a maximum non-green area of only 4,719 square feet.

Vice Chair Shorin and Secretary McGowan expressed concerns with the size of the garage within 5 ft. of two sides of the property. Mrs. McGowan questioned if the pool was existing. Mr. McCann stated it is proposed, and no permits have been submitted.

Mr. Blanch had a discussion with the applicant regarding stormwater management. The total proposed impervious surface area is 3,378 square feet. With all the improvements it is going to be difficult to add stormwater management.

The Planning Commission was concerned that this could be used as an in-law suite or an apartment.

- d. NO. 2279-21 – DOUG AND KRISTEN MALORA request variances from Article VII, Section 160-34 relating to Side Yards for One Family Detached Dwellings and Article XXVII, Section 160-203 relating to Residential Projections into Side Yards with respect to their residence located at 7 Mercer Hill Rd., Ambler, PA in the Township's R-2 Residential District. Applicants' requested relief, if granted, will allow Applicants to construct a one-story sunroom on the rear of their property which will: (1) project into the side yard when the Ordinance prohibits same; and (2) will decrease one side yard width to 16 feet when the Ordinance requires a minimum of 25 feet; and (3) will decrease the aggregate side yard width to 30 feet 1¾ inches when the Ordinance requires a minimum of 50 feet.

Chair Corti noted that application appears benign.

- e. NO. 2280-21 – KYLE KENNEDY requests a variance from Article V, Section 160-21 relating to Accessory Buildings or Structures and Article XXIII, Section 160-204.d related to Residential Rear Yard Intrusions with respect to his residence located at 1120 Scarlet Fox Lane, Blue Bell, PA in the Township's R-1 Residential District. Applicant's requested relief, if granted, will allow Applicant to construct a 19' by 20' free standing pool pavilion which will intrude into the rear yard and be less than 10 feet from the principal residence when the Ordinance prohibits same.

Planning Consultant Mr. Rieker asked Mr. McCann if it is located within the building footprint or are they seeking relief? McCann stated it would not be located within the building envelope and it is considered an accessory structure. They originally proposed to have a 16x20 pavilion, which was granted zoning relief. They are now looking to change it to 19x20 pavilion and to build it within 10 feet of the home.

4. Review pertinent planning issues.

The work session adjourned at 7:00 PM.

Respectfully submitted,

Jennifer L. Gallagher, Recording Secretary

WHITPAIN TOWNSHIP PLANNING COMMISSION APRIL 2021

The third meeting of the Whitpain Township Planning Commission for the year 2021 was held on Tuesday, April 13, 2021 as a video conference using *Zoom* video technology. Chair Kenneth Corti presided with Planning Commission members Vice Chair Richard Shorin, Secretary Cathy McGowan, Joe Habboush, Kent Conway, John O'Hara, and Alternate members Kurt Zintner and John Miller, Township Planning Consultant E. Van Rieker, Township Engineer James E. Blanch, P.E., Assistant Zoning Inspector Conor McCann, IT Director Nicole Leininger and Recording Secretary Jennifer L. Gallagher were also present. Planning Commission members Joseph Fay and Natalie Macy were absent.

Chair Corti called the meeting to order at 7:00 PM. Chair Corti introduced the members of the Planning Commission and Township Staff introduced themselves to the public that were present.

IT Director, Nicole Leininger, explained how to use the *Zoom* technology for the meeting.

1. Approval of Minutes

Chairman Corti called for any comments or questions on the March 9, 2021 meeting minutes from the Planning Commission Township Staff or the audience. There being none, Vice Chair Shorin made a motion, seconded by Mr. Zintner to approve the minutes of the March 9, 2021 meeting of the Planning Commission. Chair Corti made a formal roll call vote Vice Chairman Shorin, aye; Secretary McGowan, aye; Mr. Habboush aye; Mr. Conway, aye; Mr. O'Hara, aye; Mr. Zintner; aye; and Chair Corti also voted to pass this motion. The motion passed 7-0.

2. Review of a Subdivision plan for 190 Plymouth Road (S-3-21). This application involves a 2-lot subdivision of approximately 4.29 acres located at 190 Plymouth Road. The property is zoned R-5 Residential Zoning District.

Present for Applications: Robert E. Blue, Engineer
Daniel Glass, Engineer
Richard Carol, Applicant

Mr. Blue said the applicant proposes to subdivide the existing parcel on a long narrow lot to provide another building lot behind the existing home. Mr. Carol will be the developer for this property. It meets the Zoning requirements for a stack lot. We will be utilizing the existing driveway that goes out to Plymouth Road. They will be providing additional sewer to the back lot by the way of a grinder pump and connection with a 4-inch lateral on the main out on Plymouth Road. The new lots will connect to public water and the applicant has obtained a letter with intent to serve with regards to providing water service to the lot. The applicant has calculated the woodland canopy to ensure that we meet the criteria that is shown on the plans. The applicant proposes erosion and sedimentation control on an individual lot basis.

Planning Consultant Mr. Rieker commented that there is no zoning relief required for this subdivision plan. The existing home will be demolished, and two new homes will be constructed. Mr. Blue stated that the home will not be demolished immediately. Mr. Glass explained there will be a separate rain garden on each lot, possible two on the second lot. Infiltration testing has been done to comply with the National Pollutant Discharge Elimination System (NPDES) stormwater management rules and regulations.

Mr. Conway asked about cross easements on the properties. Mr. Glass stated that they have one municipal cross access and utilities easement for the driveway.

Mr. Shorin questioned the maintenance of a common driveway. Mr. Glass explained that the driveway will be maintained by the individual property owners. The utilities will be maintained by each lot.

Mr. Blanch commented on the utilities that it needs to be a shared responsibility by both property owners due to the nature of maintaining common utilities. The driveway should be shared by both property owners as well. Mr. Carrol stated he will revise to coordinate the easement agreement between the two parcels, so everything is uniform.

Audience Comments

Ben Long, 770 Lantern Lane – Mr. Long mentioned that his property is downhill from Plymouth Road in which we get all the stormwater. How robust will the rain gardens and other measures be as we cannot handle any more stormwater in the stream which already floods.

Mr. Blue stated they are required by NPDES permits to control and manage stormwater runoff by the submission of the application to the Montgomery County Conservation District. In addition, we are under the auspices of the stormwater management ordinance for the Wissahickon Creek Watershed. Both Mr. Blanch and staff will be reviewing our submission and calculations to make sure we don't negatively impact any downstream property owners.

Joann Serota, 895 Lantern Lane – Mrs. Serota was concerned with the water runoff from Sally Glassman's Farm onto Plymouth Road. The amount of water that runs over Plymouth Road down to my yard makes it look like the Wissahickon Creek when it rains. Whitpain Township needs to consider two retention basins one at the bottom by the little hill and one up by my home. The two homes that are being constructed on Township Line Road are now going to interfere with the water drainage. Mrs. Serota strongly feels the public servants need to help us out.

Mr. Blanch stated that he has had conversations with residents on Lantern Lane and Plymouth Road looking at the drainage within Plymouth Road and Lantern Lane and has determined that Kindle Hill Farm is mostly open space and is not a major contribution to the runoff issues. Furthermore, the Township is unable to install stormwater management systems on private land. We have informed the property owner of 770 Lantern Lane that we do not see where the township is responsible for any issues with stormwater runoff towards

his property. The recent complaints are in regards to uncontrolled stormwater runoff from private properties and state highways and not from Township owned and maintained land. The Township enforces the regulations contained in the Wissahickon Creek Watershed ordinance that has been in effect for the past four years. The Township has been responsive to the community and will continue to ensure that future development complies with the Township stormwater management ordinances.

Mr. Long called in to the discussion explaining that they moved into this home during the pandemic to enjoy the beautiful open space, and the little creek by his home. During storms it is a raging torrent. The bridge under Lantern Lane cannot handle the water to the point we have had water backed up 12 inches to the lower-level windows in our basement. Mr. Long spoke with Mr. Klucharich (Township Engineering Assistant) and he suggested talking to the neighbors, because there is no township land for the township to install a stormwater management system. Mr. Long explained the water run comes from two directions Plymouth Creek and along Lantern Lane. Mr. Long asked for suggestions on what to do.

Mr. Blanch explained that the area is part of a 200-acre watershed. Mr. Blanch recommends working with the private homeowners to install stormwater management wherever it is possible on a lot-to-lot basis. The Township is able to provide guidance and assist the community with their stormwater management concerns but the Township has limited funds and is unable to construct stormwater management improvements on private property. Unfortunately, 770 Lantern Lane is at the bottom of the 200 acres of watershed. The drainage runoff then flows through the culvert under Lantern Lane. It has been this way for 50 years. At the request of the engineering department, the public works assessed the existing condition of the culvert and agreed with the engineering department that it is functioning appropriately. Mr. Blanch also noted that the Township continues to install stormwater management improvements on Township owned systems in the Wissahickon Creek Watershed in compliance with our Total Maximum Daily Load (TMDL) requirements. In addition, the 190 Plymouth Road subdivision project will be required to comply with the Wissahickon Watershed ordinance regulations which also require peak rate controls be reduced by half in some instances.

Sandra Nolty, 890 & 850 Lantern Lane – Mrs. Nolty suggested that the township contact someone because Plymouth Road is a state road. There is a large amount of water that comes over Mrs. Glassman's property and into the road. The retention basin that Mrs. Glassman put in does not work. Mrs. Nolty is very skeptical with a new house going in and the water requirements are going to be held.

Mrs. Serota followed up with another question, is all the land owned by Sally Glassman or is it under the conservation, by the Wissahickon Watershed, or is it owned in private lands.

Mr. Blanch stated that the Crossways Farms is owned by Mrs. Glassman, with conservation easements so it restricts future development. A small portion of that entire farm is in the 200-acre drainage watershed that drains towards Lantern Lane. Of the 200-acre drainage

watershed, only about 8 to 9 acres is from Mrs. Glassman's farm. The other 191 acres is from Bluestone Golf course, homes along Morris Road, Plymouth Road, Lantern Lane, and Pheasant Meadow Road. Most of Kindle Hill Farm drains to Township Line Road north. Plymouth Road is a state highway. The township does not have the right to install drainage swales along a state highway. PennDOT would have to be willing to build swales along the highway. The township has been monitoring Lantern Lane and the bridge is working appropriately.

Mrs. Serota asked if the township and the residents could work together to ask PennDOT to make these changes? Also, whether Mrs. Glassman can upgrade her drainage system.

Mr. Blanch stated the township is willing to work with all the neighbors and provide guidance. The system at Mrs. Glassman's property is functioning and it is our understanding that they are looking to upgrade it.

A motion was made by Vice Chair Shorin and seconded by Mr. Conway to recommend that the Board of Supervisors approve the subdivision application for 190 Plymouth Road subject to compliance with all township review letters, and comments, and in particular the concerns about stormwater management. Chair Corti made a formal roll call vote Vice Chairman Shorin, aye; Secretary McGowan, aye; Mr. Habboush aye; Mr. Conway, aye; Mr. O'Hara, aye; Mr. Zintner; aye; and Chair Corti also voted to pass this motion. The motion passed 7-0.

Mr. Blue asked a waiver for the deferral for the sidewalk on the record plan and asked the planning members to amend their motion for this. Chair Corti confirmed with Mr. Shorin and Mr. Conway to approve the motion.

3. Review current Zoning Hearing Board cases:

NO. 2275-21 – JANET AND KEITH CHILDS request variances from Article V, Section 160-19 relating to Rear Yards and Article XXVII, Section 160-204.F relating to Residential Rear Yard Intrusions with respect to the residence located on their property at 934 Sunset Drive, Blue Bell, PA in the Township's R-1 Residential District. Applicants' requested relief, if granted, will allow Applicants to construct a 17'8" by 20', two story addition with a 5' x 14' attached enclosed stairway onto the rear of their residence with a Master bedroom and walk-in closet on the second floor and a mud-room on the first floor which will project occupied space into the rear yard when the Ordinance requires rear yards to be unoccupied and will reduce the rear yard setback to 34'4" when the Ordinance requires a minimum of 37 feet.

Chair Corti noted that the Applicant was not present for the meeting.

There were no audience comments or questions raised.

Chair Corti stated that typically the Planning Commission remains neutral on Zoning Hearing Board applications. The Planning Commission chose to remain neutral on the subject application.

NO. 2276-21 – RICHARD AND CHRISTINE FAY request variances from Article XII, Section 160-66.A.8 related to Special Regulations for Rural Cluster Subdivisions, Article XXVII, Section 160-203 related to Residential Projections into Side Yards and Article XXVII, Section 160-204.D related to Residential Rear Yard Intrusions with respect to their property located at 405 Walmore Way, Blue Bell, PA in the Township's R-5 Agricultural-Rural Residence District. Applicant's requested relief, if granted, will allow Applicants to construct a pool pavilion that will: (1) reduce the side yard setback to 8 feet when the Ordinance requires a minimum of 18 feet; and (2) project into the side yard when the Ordinance prohibits same; and (3) intrude into the rear yard and be less than 10 feet from the principal structure when the Ordinance prohibits same.

Present for applicant: Joseph & Christine Fay

There were no audience comments or questions raised.

Vice Chair Shorin commented the applicant for an excellent application and clear exhibits.

Chair Corti stated that typically the Planning Commission remains neutral on Zoning Hearing Board applications. The Planning Commission chose to remain neutral on the subject application.

NO. 2278-21 – STEVEN AND AMY PARADIS request variances from Article XII, Section 160-38 related to Accessory Buildings or Structures, Article XXVIII, Section 160-204.D related to Residential Rear Yard Intrusions and Article XXVIII, Section 160-214.C related to Green Area Regulations with respect to their property located at 1582 Sullivan Drive, Blue Bell, PA in the Township's R-2 Residential District. Applicant's requested relief, if granted, will allow Applicants to construct a 22' by 38' by 17' – 8 ½" high detached garage which accessory structure will: (1) be located 5' from the rear and side lot lines in lieu of the required 17' setback and (2) be located in the rear yard but less than 10 feet from the principal structure when the Ordinance prohibits same and (3) will result in non-green area of 5,164 s.f. when the Ordinance permits a maximum non-green area of only 4,719 s.f.

Chair Corti noted that the Applicant was not present for the meeting.

There were no audience comments or questions raised.

The Planning Commission mentioned the application exceeds the green area and exceeds impervious area. Additionally, the applicant is within 5 ft. of two property lines for this large two-story addition.

Mr. Habboush had concerns with the size of the building. This could easily be converted to an apartment in the future.

The Planning Commission recommends to the Zoning Hearing Board if it is to be used as an in-law's suite that it be deed restricted and that it is only used for family members, and not for rental or leasing purposes. Planning Consultant Mr. Rieker recommended the kitchen be removed when that space is not occupied by family or a person(s) related to family. Mr. McCann stated that the Zoning Ordinance allows a second kitchen, but it cannot be used as separate housing, it can only be occupied by a single family.

Chair Corti stated that typically the Planning Commission remains neutral on Zoning Hearing Board applications. The Planning Commission chose to remain neutral on the subject application.

NO. 2279-21 – DOUG AND KRISTEN MALORA request variances from Article VII, Section 160-34 relating to Side Yards for One Family Detached Dwellings and Article XXVII, Section 160-203 relating to Residential Projections into Side Yards with respect to their residence located at 7 Mercer Hill Rd., Ambler, PA in the Township's R-2 Residential District. Applicants' requested relief, if granted, will allow Applicants to construct a one-story sunroom on the rear of their property which will: (1) project into the side yard when the Ordinance prohibits same; and (2) will decrease one side yard width to 16 feet when the Ordinance requires a minimum of 25 feet; and (3) will decrease the aggregate side yard width to 30 feet 1¾ inches when the Ordinance requires a minimum of 50 feet. Chair Corti noted that the Applicant was not present for the meeting.

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There were no audience comments or questions raised.

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NO. 2280-21 – KYLE KENNEDY requests a variance from Article V, Section 160-21 relating to Accessory Buildings or Structures and Article XXIII, Section 160-204.d related to Residential Rear Yard Intrusions with respect to his residence located at 1120 Scarlet Fox Lane, Blue Bell, PA in the Township's R-1 Residential District. Applicant's requested relief, if granted, will allow Applicant to construct a 19' by 20' free standing pool pavilion which will intrude into the rear yard and be less than 10 feet from the principal residence when the Ordinance prohibits same.

Chair Corti noted that the Applicant was not present for the meeting.

There were no audience comments or questions raised.

The Planning Commission noted that slight enlargement of 3 ft. is outside the existing building footprint.

Chair Corti stated that typically the Planning Commission remains neutral on Zoning Hearing Board applications. The Planning Commission chose to remain neutral on the subject application.

4. Review pertinent planning issues.

There were no pertinent planning issues.

There being no further business to come before the Commission, a motion was made by Vice Chair Shorin, and seconded by John O'Hara to adjourn. Chair Corti made a formal roll call vote: Vice Chair Shorin, aye; Secretary McGowan aye; Mr. Habboush, aye; Mr. Conway, aye; Mr. O'Hara, aye; Mr. Zintner, aye, and Chair Corti also voted to pass this motion. The motion passed 7-0. The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Cathy McGowan, Secretary